

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

AVAN HOWARD

*

Plaintiff

*

v.

*

Case No.: 1:21-cv-1789

LANDSCAPES UNLIMITED, LLC, *et al.* *

Defendants

*

* * * * *

NOTICE OF REMOVAL

Petitioners, Landscapes Unlimited, LLC, Landscapes Golf Group, LLC, Landscapes Golf Management LLC and Renditions Washington, D.C., LLC, by and through their undersigned attorneys, pursuant to 28 U.S.C. §1441 *et. seq.*, file this Notice of Removal of this action from the Circuit Court for Anne Arundel County, Maryland, in which it is now pending, to the United States District Court for the District of Maryland, and in support thereof respectfully aver as follows:

1. Petitioners have been named as Defendants in a suit filed in the Circuit Court for Anne Arundel County, Case No.: C-02-CV-21-000634. Suit was originally filed on or about May 7, 2021, with Landscapes Unlimited, LLC and Landscapes Golf Group, LLC as to the only two named party defendants. On or about June 7, 2021 Plaintiff filed an Amended Complaint adding Landscapes Golf Management, LLC, Renditions Washington, D.C., LLC, Landscapes Unlimited, Inc. and Landscapes Unlimited Construction, LLC as party Defendants. On June 18, 2021 suit papers were received by the Resident Agent in Maryland for Landscapes Unlimited, LLC, Landscapes Golf Group, LLC, Landscapes Golf Management, LLC and Renditions Washington, D.C., LLC.

2. Plaintiff, Avan Howard, is an individual who is a resident of the State of Maryland. Compl. at ¶1.

3. The above-entitled action is one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. §1332. Petitioners seek to remove this action to this Court under Title 28 U.S.C. §1441.

4. The domicile of Petitioners for purposes of diversity is explained as follows:

The sole member of Renditions Washington, D.C., LLC is Landscapes Golf Group, LLC. The sole member of Landscapes Golf Group, LLC, Landscapes Unlimited, LLC and Landscapes Golf Management, LLC is Landscapes Holding, LLC. *See* Exhibit A attached hereto, copy Landscapes Holding, LLC Organizational Structure. The members of Landscapes Holding, LLC are (Co-Defendant) Landscapes Unlimited, Inc. and Equipment Group, Inc. Both of these corporations were formed under the laws of the State of Nebraska and are headquartered (i.e. have or had their “nerve centers,” where the majority of corporate executives work or worked and the major business decisions and operations of the corporations take or took place) in the State of Nebraska. *See* Exhibits B and C attached hereto, copy searches of Nebraska Secretary of State, Corporate & Business Search for each entity.¹

5. As above, Defendant, Landscapes Unlimited, Inc., is a corporation formed under the laws of the State of Nebraska and having its headquarters in the State of Nebraska. Ex. B.

6. Landscapes Unlimited Construction, LLC is inactive from Articles of Dissolution dated January 30, 2009. *See* Exhibit D attached hereto, copy search of Nebraska Secretary of State, Corporate & Business Search. To the extent necessary that its citizenship for purposes of

¹ Equipment Group, Inc. is inactive from an administrative dissolution dated April 16, 2020. On information and belief, it has not been fully wound up and remains a member of Landscapes Unlimited Holding, LLC at this time and so is included in these papers.

diversity is relevant and applicable, when it was an entity in existence with capacity to be sued, its sole member was Landscapes Unlimited, LLC.² As provided above, the sole member of Landscapes Unlimited, LLC is Landscapes Holding, LLC, whose members are the Nebraska corporations of Landscapes Unlimited, Inc. and Equipment Group, Inc.

7. Filed herewith as Exhibits 1 through 7 are copies of all pleadings and papers served on Petitioners/Defendants, consisting of (1) Complaint; (2) Writ of Summons and Amended Complaint; (3) Civil – Non-Domestic Case Information Report; (4) ‘Red-lined’ copy of Amended Complaint; (5) Plaintiff’s Requests for Production; (6) Plaintiff’s Interrogatories to Defendant; and (7) Plaintiff’s Requests for Admissions.

8. The Amended Complaint provides for service on Landscapes Unlimited, Inc. and Landscapes Unlimited Construction, LLC through the Maryland Department of Assessments and Taxation. Petitioners are unaware if Landscapes Unlimited, Inc. and/or Landscapes Unlimited Construction, LLC have been properly joined and served for purposes of 28 U.S.C. §1446(b)(2)(A), or are earlier served defendants pursuant to 28 U.S.C. §1446(b)(2)(C). However, in any event, to the extent necessary for purposes of either or both sub-parts to the sub-sections, Landscapes Unlimited, Inc. consents to the removal and, to the extent necessary, or even possible given its dissolution more than twelve years ago, Landscapes Unlimited Construction, LLC, (through the only source possible of its former sole member and named party defendant, Landscapes Unlimited, LLC), also consents to the removal.

9. The above-entitled matter is a civil action in which the Plaintiff alleges negligence on the part of Petitioners/Defendants under that area of the law commonly known as “premises liability,” arising from an alleged trip and fall incident happening on August 27, 2018 at Renditions

² Because Landscapes Unlimited Construction, LLC was dissolved over twelve years ago, it is not included and does not appear in the most recent Organizational Structure at Exhibit 1.

Golf Course located at 1380 West Central Avenue (Hwy 214) Davidsonville, Anne Arundel County, Maryland, from which Plaintiff claims he was injured incurring certain damages and losses and for which he seeks financial compensation.

10. Petitioners are entitled to removal because there is complete diversity of citizenship between the Plaintiff and all Defendants and the amount in controversy exceeds \$75,000.00. Plaintiff is a citizen of the State of Maryland. The ultimate 'upstream' members of all limited liability company defendants are corporations who are citizens of the State of Nebraska, one of whom is also a named party defendant. Plaintiff's Amended Complaint seeks judgment against Defendants in an amount in excess of \$75,000.00.

WHEREFORE, Petitioners/Defendants, Landscapes Unlimited, LLC, Landscapes Golf Group, LLC, Landscapes Golf Management LLC and Renditions Washington, D.C., LLC respectfully request that the above-entitled action be removed from Anne Arundel County Circuit Court, Maryland to the United States District Court for the District of Maryland.

Respectfully submitted,



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Attorneys for Petitioners and all Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of July, 2021, a copy of the foregoing Notice of Removal was served via first class mail, postage pre-paid (and as a courtesy was also e-mailed), sent to:

Timothy Edward Howie, Esquire
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Attorneys for Plaintiff



Colin Bell, Esquire (MD Fed Ct No.: 26855)